

The regular meeting of the Town Board of the Town of Ballston was held Tuesday evening, June 5, 2012 at the Town Hall on Charlton Road. Members present were Supervisor Patricia Southworth, Councilwoman Mary Beth Hynes, Councilman Jeremy Knight, and Councilman William Goslin. Also present were Town Attorney Murry Brower and Town Clerk Carol Shemo. Absent was Councilman Szczepaniak.

Supervisor Southworth called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

**RESOLUTION 12-081**

**APPROVAL OF MINUTES**

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to approve the minutes of the meetings with the following correction to the May 1, 2012 minutes: the amount of the credit to the Town of Ballston by the Saratoga County Water Authority was \$10,713.30.

ADOPTED	Ayes	3	Councilwoman Hynes, Councilmen Knight and Councilman Goslin
	Nays	0	
	Abstain	1	Supervisor Southworth

Supervisor Southworth abstained from voting on the minutes since she did not have time to read them due to increased bookkeeping duties.

**REPORTS OF TOWN OFFICIALS**

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Dog Control Officer John Christopher, Animal Control Officer Thomas Shambo, Library Director Karen DeAngelo, Supervisor Patricia Southworth and Town Clerk Carol Shemo submitted reports for May and they are on file in the Town Clerk's office.

Dan Russell, Chairman of the Parks and Recreation Committee, gave an update concerning fundraising. Since the Town cannot sponsor fundraisers and fundraisers are not allowed to be held during elections, they are investigating new fundraiser options. The committee is also investigating grants.

Highway Superintendent Joseph Whalen reviewed how the drainage program works in the Town. Ditches or swales in the Town's right-of-way are looked at before the roads are paved. Mr. Whalen also responds to calls from residents, but no repair work or upgrading is done on private property unless the Town has an easement.

Councilman Szczepaniak enters the meeting at 7:40 p.m.

**RESOLUTION 12-082**

**APPROVAL OF SUPERVISOR'S MONTHLY REPORT**

Supervisor Southworth submitted reports for April and May.

A motion was made by Councilman Knight and seconded by Councilman Szczepaniak to approve the April and May Town Supervisor's reports.

ADOPTED:	Ayes	4	Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Supervisor Southworth
	Nays	1	Councilman Goslin

Councilman Goslin voted no because he needs to know the financial condition of the Town. He asked how the Board can get the needed information so they can make financial decisions. He feels the Board should have read only access to the General Ledger.

Councilwoman Hynes stated despite everyone's efforts, each month the Board's responsibility for approving statements and drawing conclusions concerning the financial health of the Town has her worried because they are asked to make judgments without the numbers.

Supervisor Southworth agrees. The Board needs to hire a bookkeeper and needs someone to make journal entries and move money within accounts. Tom Bodden has helped other municipalities with General Ledger and journal entries. Also, West and Company will give terms and a schedule to close out the first and second quarter for 2012.

Councilwoman Hynes stated the Board may want to do both. The Audit Committee, Supervisor Southworth and Councilman Knight, will determine what is financially prudent and makes the most sense for the Town's bookkeeping needs.

**RESOLUTION 12-83: HIRE TOM BODDEN TO HELP WITH THE BOOKKEEPING**

A motion was made by Councilman Goslin and seconded by Councilman Knight to authorize hiring Tom Bodden at \$40 per hr to resolve accounting challenges for the first and second quarter of 2012 at a cost not to exceed \$4,000.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.

Nays 0

**RESOLUTION 12-084: HIRE WEST & COMPANY TO HELP WITH THE BOOKKEEPING**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to authorize the Audit Committee to consider hiring West and Company to complete the bookkeeping for the first and second quarter of 2012.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.

Nays 0

**Supervisor's Report:**

Supervisor Southworth toured the Kesselring Site. With their substantial economic impact on our area, it was important to see a federal facility and local government working together for the benefit of all. She will give a PowerPoint presentation on June 14<sup>th</sup> at 7 p.m. on mandate relief. There will be a Mass Gathering Workshop on Tuesday, June 19<sup>th</sup> at 7 p.m. Also the Board needs to schedule a workshop concerning the update to the sewer study. She thanked the Burnt Hills-Ballston Lake Professional Association and the Ballston Lake Improvement Association for their Roadside Cleanup; 27 miles of road were cleaned by fifty-seven volunteers. Malta Supervisor Paul Sausville is pursuing improvements in the Round Lake Road and Eastline Road area and is asking for the Town of Ballston for a financial contribution and a letter of support for their grant application. The Ballston Town Board is looking for funding for Route 67 and that is the Town's priority; also, improvements were made to the Round Lake Road and Eastline Road area three years ago with the installation of a traffic device.

**Councilman Goslin's Report**

He attended the Library Board meeting and the Parks and Recreation Committee meeting. He noted that the Town of Ballston is on the superhighway of connectivity to the Tech Park. We need to promote our high speed connectivity to businesses for good economic development.

**PRIVILEGE OF THE FLOOR:**

Mr. Litwa asked the Board how they decided on the 12 ft height number for the solar panels in the Town of Ballston Solar Collector Code.

Supervisor Southworth stated it matches normal set backs in that area.

Councilman Goslin stated it was an attempt to produce balance.

Ms. Doan read a letter from Gary Faler concerning solar legislation. He suggested various points to be included in the legislation.

Mr. Botsford asked the Board to consider a change in the Solar Collector Code draft. He feels that Section 1A is inconsistent with section 4 E Permitting.

The Town Attorney stated he will review the document.

Mr. Carusone asked the status of White's Beach Road.

Attorney Brower stated he has the deeds and easements. We have a survey from C T Male. If the title work is clean, land owners can sign proposed deed drafts and then the paperwork is sent to Department of Transportation. The Town would be able to accept White's Beach Road as a Town Road.

Mr. Sweeney is concerned about the safety issue on the walking and bike path between Lakehill Road and Long Creek Drive.

Highway Superintendent Whalen stated he ordered the signs but the posts have not been fixed yet.

Ms. Donovan stated that the fundraiser for Anchor Diamond Park can be done by volunteers who would form a non-profit organization.

Ms. James stated that solar panels are commercial things that do not belong in neighborhoods. People should discuss their plans for solar installation with their neighbors.

Mr. Hanes pointed out inconsistencies in the Solar Collector Code draft that need review.

Ms. Windel believes the section under Permitting in the Solar Collector Code draft concerning view blockage needs to be changed.

Building Inspector Johnson asked who determines who blocks a view that is a qualitative aspect on the permit.

Ms. Rogers asked why the Zoning Board of Appeals, instead of the Planning Board, would hear appeals if a building permit is denied.

Supervisor Southworth replied that is the way the law is set up; area variances would be heard by the Zoning Board of Appeals.

**RESOLUTION 12-085: DECLARING JUNE 5, 2012 AS MAYDAY FOR MANDATE RELIEF IN THE TOWN OF BALLSTON**

RESOLUTION 12-085: DECLARING JUNE 5, 2012 TO BE "MAYDAY FOR MANDATE RELIEF" IN THE TOWN OF BALLSTON

A motion was made by Councilman Goslin and seconded by Councilman Knight to approve a Resolution declaring June 5, 2012 to be "Mayday for Mandate Relief" in the Town of Ballston.

Adopted: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin  
Nays 0

**RESOLUTION 12-085: DECLARING JUNE 5, 2012 TO BE "MAYDAY FOR MANDATE RELIEF" IN THE TOWN OF BALLSTON, SARATOGA COUNTY, URGING THAT REFORMS BE MADE TO THE MANDATE RELIEF COUNCIL, AND URGING THE MANDATE RELIEF COUNCIL TO TAKE SWIFT ACTION IN SUBMITTING A PACKAGE OF MANDATE RELIEF PROPOSALS TO GOVERNOR ANDREW M. CUOMO AND THE STATE LEGISLATURE IN 2012**

**WHEREAS**, The Town of Ballston is located in Saratoga County; and

**WHEREAS**, the State of New York mandates the delivery of State programs using local resources; and

**WHEREAS**, these State mandates are the root cause of high county property taxes in New York State; and

**WHEREAS**, the State's failure to provide the mandate relief promised when State lawmakers enacted a property tax cap in 2011 is rapidly eroding the ability of county and local elected officials to implement the tax cap locally while maintaining essential services and passing responsible budgets; and

**WHEREAS**, when the State enacted a property tax cap, a Mandate Relief Council was established to review specific mandates and advance legislative proposals to reduce the statutory and regulatory burden on municipalities; and

**WHEREAS**, the Mandate Relief Council's membership consists of seven appointees who serve as State Executive Branch officials, four appointees of the State Legislature, and no members who have direct responsibility over a county or local budget; and

**WHEREAS**, Saratoga County's 2012 Adopted Budget anticipates a net cost to the County of \$23.3 million for Medicaid, \$8.4 million for additional Social Services, \$12.3 million for pensions, \$7.4 million for Early Intervention and Pre-School Special Education, \$6.9 million for community college tuitions, \$1.8 million for probation, and \$1.4 million for indigent legal defense; and

**WHEREAS**, the total net cost to Saratoga County of these mandates equals \$61.5 million, an amount that represents 121% of Saratoga County's \$50,774,998 property tax levy; and

**WHEREAS**, the local municipalities have been forced to take on programs previously undertaken by the State, such as dog licensing; and

**WHEREAS**, year after year, the Saratoga County Board of Supervisors has passed resolutions calling for mandate relief, its members have traveled to Albany to lobby our State lawmakers for mandate relief, and its Legislative Program has called for an amendment to the State Constitution barring the imposition of unfunded mandates no fewer than thirteen times over the past fifteen years, including in 2012, 2011, 2008, 2006, 2005, 2004, 2003, 2002, 2001, 2000, 1999, 1998, 1997; and

**WHEREAS**, the 2012 Legislative Program adopted by the Saratoga County Board of Supervisors on February 28, 2012 and presented to our State lawmakers in Albany on March 6, 2012 called for specific mandate relief measures including: a full takeover of all local costs of the Medicaid program; adoption of Pension Tier VI; a Constitutional Amendment banning new unfunded mandates, and a statutory ban that would provide protection until such an amendment may be passed in final and ratified; a more equitable share of the New York State Public Safety Surcharge, which was designed to defray the cost to counties of implementing emergency 9-1-1 systems but instead has historically been swept to cover other state expenses; state reimbursement for 100% of the costs associated with hosting an unprecedented third primary election in 2012; and reforms to ensure more timely state reimbursement for state mandated services; and

**WHEREAS** the Saratoga County Board of Supervisors and its members have, in 2012, hosted or participated in a wide variety of public events that have highlighted the burden imposed on our county by unfunded mandates, including but not limited to a public forum held in the Board of Supervisors meeting room on March 14, 2012, additional public forums held in numerous Towns throughout the County, and the annual "State of the County" event hosted by the Saratoga County Chamber of Commerce on April 19, 2012 and a Town Hall meeting is to be held in the Town of Ballston on June 14, 2012; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of Ballston hereby declares June 5, 2012 to be "Mayday for Mandate Relief" to further demonstrate that the decisions

made in Albany have a direct impact on the property tax levy and local community services in the Town of Ballston and Saratoga County; and be it further

**RESOLVED**, that the Town Board of the Town of Ballston calls upon Governor Cuomo and the State Legislature to amend the law that established the Mandate Relief Council to ensure that the Council includes county and local elected officials who have direct responsibility over budgets; and be it further

**RESOLVED**, that the Town Board of the Town of Ballston urges Governor Cuomo and the State Legislature to establish specific budgetary targets for the Mandate Relief Council that quantify the relief that must be delivered to counties and local municipalities, and ensure that the Council's mandate relief proposals actually hit these targets; and be it further

**RESOLVED**, that the Town Board of the Town of Ballston calls upon the Mandate Relief Council to take swift action in submitting a package of mandate relief proposals to Governor Cuomo and the State Legislature to be voted upon by our State Representatives during 2012; and be it further

**RESOLVED**, that the Town Board of the Town of Ballston urges that these proposals include all of the mandate relief proposals contained in the 2012 Legislative Program adopted by the Saratoga County Board of Supervisors, as outlined previously in this Resolution; and be it further

**RESOLVED** that the Town of Ballston Town Clerk forward a certified copy of this Resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, each member of the Mandate Relief Council, and Saratoga County's representatives in the State Legislature.

**BUDGET IMPACT STATEMENT:** No budget impact.

**RESOLUTION 12-086: AUTHORIZE FILING THE DOCUMENTS TO MAKE WHITE'S BEACH ROAD A TOWN ROAD**

A motion was made by Councilman Knight and seconded by Councilwoman Hynes to authorize Town Attorney Murry Brower to order title insurance and take the steps required for the landowners to deed a portion of each parcel to the Town of Ballston; and file paperwork with the New York State Department of Transportation to accept White Beach Road as a Town Road.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.  
Nays 0

**RESOLUTION 12-087: RESCHEDULE THE JUNE 26, 2012 TOWN BOARD MEETING TO JUNE 27, 2012**

A motion was made by Councilman Knight and seconded by Councilman Szczepaniak to reschedule the Town Board Meeting from Tuesday, June 26, 2012 to Thursday, June 28, 2012. Councilman Knight amended his motion and it was seconded by Councilman Szczepaniak to reschedule the Town Board Meeting to Wednesday, June 27, 2012.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.  
Nays 0

The Town of Ballston is contributing to the fireworks display after the Flag Day Parade on Thursday, June 7, 2012. Building Inspector Thomas Johnson has approved the display site.

**RESOLUTION 12-088: APPROVE THE FIREWORKS PERMIT FOR THE TOWN OF BALLSTON FLAG DAY PARADE**

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve the Fireworks permit for the Town of Ballston Flag Day Parade.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.

Nays 0

**RESOLUTION 12-089: HONORING JEFF SAMMONS FOR ACHIEVING THE RANK OF EAGLE SCOUT**

A motion was made by Councilwoman Hynes and seconded by Councilman Knight to approve a resolution honoring Jeff Sammons for achieving the rank of Eagle Scout.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.

Nays 0

**RESOLUTION 12-089: CONGRATULATING JEFF SAMMONS ON ACHIEVING THE RANK OF EAGLE SCOUT**

**WHEREAS**, Jeff Sammons is a resident of the Town of Ballston and is the son of Debra and Bob Sammons, and

**WHEREAS**, as a member Cub Scout Pack 83, Jeff was awarded the Arrow of Light, and

**WHEREAS**, Jeff Sammons held the leadership positions of Chaplain's Aide, Den Chief, senior Patrol Leader, Junior Assistant Scout Master, and

**WHEREAS**, Jeff Sammons took part in summer camp at Camp Russell and Camp Wakpominee. He also took part in the Cape Cod Council Maritime Adventure 50 mile trek, and

**WHEREAS**, Jeff Sammons' Eagle Scout Leadership project was to work on installing a bike rack in Jenkins Park for the use of the community, and

**WHEREAS**, Jeff Sammons presented his project idea to the Jenkins Park Advisory Board. After given approval to proceed, he led a team to install the bike rack to specifications. He successfully completed his project earning the rank of Eagle Scout on January 31, 2012, now, therefore, be it

**RESOLVED**, that the Town Board of the Town of Ballston would like to recognize the outstanding personal achievement and service to his community of Eagle Scout Jeff Sammons.

Dated: June 5, 2012

**RESOLUTION 12-090: PROCLAIM SUNDAY, JUNE 10, 2012 TO SATURDAY, JUNE 16, 2012 THE 30<sup>TH</sup> ANNUAL NATIONAL "PAUSE FOR THE PLEDGE OF ALLEGIANCE TO THE FLAG" WEEK**

A motion was made by Councilman Knight and seconded by Councilman Szczepaniak to consider approving Sunday, June 10, 2012 to Saturday, June 16, 2012 the 30<sup>th</sup> Annual National "Pause for the Pledge of Allegiance to the Flag" week.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.

Nays 0

**RESOLUTION 12-90: PROCLAIMING SUNDAY JUNE 10, 2012 THROUGH SATURDAY JUNE 16, 2012 THE 30 ANNUAL NATIONAL "PAUSE FOR THE PLEDGE OF ALLEGIANCE TO THE FLAG" AS NATIONAL FLAG WEEK**

**WHEREAS**, by Act of Congress of the United states of America dated June 14, 1777, the first official Flag of the United States was adopted; and

**WHEREAS**, by Act of Congress dated August 3, 1949, June 14<sup>th</sup> of each year was designated “National Flag Day;” and

**WHEREAS**, on December 8, 1982, the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to “Pause for the Pledge of Allegiance” as part of the celebration of National Flag Day throughout the nation; and

**WHEREAS**, by Act of Congress, dated June 20, 1985, Public Law 99-54 was passed to have the “Pause for the Pledge of Allegiance” as part of the celebration of National Flag Day throughout the nation; and

**WHEREAS**, Flag Day celebrates our nation’s symbol of unity, a democracy in a republic, and stands for our country’s devotion to freedom, to the rule of all, and to equal rights to all; and now, therefore, be it

**RESOLVED** that the Town Board of the Town of Ballston does hereby proclaim that June 10-16, 2012 as Flag Week of the Town of Ballston and does hereby urge all citizens of New York State to pause at 7:00 p.m. EDT on Thursday, June 14, 2012 for the 30<sup>th</sup> Annual National “Pause for the Pledge of Allegiance to the Flag” and join all Americans in reciting the “Pledge of Allegiance to the Flag of the United States of America.”

**IN WITNESS WHEREOF**, I hereunto set my hand and caused the Seal of the Town of Ballston to be affixed this 5th day of June 2012.

Patricia Southworth, Town Supervisor  
Town of Ballston

**DISCUSSION – TOWN OF BALLSTON SOLAR COLLECTOR CODE**

After Privilege of the Floor comments and discussion on the Town of Ballston Solar Collector Code, the Board was not ready to set the Public Hearing. Councilman Szczepaniak stated that the Board needs to refine this legislation. A Solar Workshop will be held June 12, 2012 at 7:00 p.m.

**DISCUSSION- ROUTE 50 TURN LANE**

The Route 50 Turn Lane Project original resolution was passed in July 2011. Due to impact of this project on property owners, the project was redesigned and several revisions were approved by Department of Transportation. Also utility relocation was necessary and National Grid completed this relocation last year. The last obstacle is the purchase of a small triangle of property required by DOT.

The Town owes a total principal and interest payment of \$691,607.60 due June 15, 2012. The original resolution does not allow the BAN to be turned into a Bond. To date a total of \$102,554.63 has been reimbursed by the Multi-Modal Grant Funding. The remaining reimbursement due from the Multi-Modal Grant Funding is \$10,850. Additional funds, \$76,266.65, are needed plus Bond Counsel fees. This amount will need to be funded out of the General Fund Budget or General Fund Balance. If the Board wishes to go forward with this project, a new bond will need to be authorized. If the Board does not want to complete the project, the Town would need to reimburse the State for grant funds received for this project.

The Town Board set a Special Town Board Meeting on June 12, 2012 at 6:00 p.m. to consider how to proceed with this project.

**DISCUSSION - RECYCLING OPTIONS**

There are two recycling options being considered:

Option 1 is the bulk pickup of the entire Town by County Waste at a cost of \$39,900. Option 2 is for the Town of Ballston to partner with the Town of Clifton Park for a bulk item pick-up. The Town of Clifton Park will supply the containers and the staff and charge Town of Ballston residents the same reduced prices as Clifton Park residents. Volunteers from the Town of Ballston will help with the program. There is no cost to the Town; only Town residents who use the service will pay a fee.

In addition, The Town of Ballston will partner with the Town of Clifton Park for electronic recycling. Clifton Park will supply the staff and containers and there will be no charge for this service. Volunteers from the Town of Ballston will help with the program. The Towns will split the funds from the proceeds. A date and location yet to be decided.

**RESOLUTION 12-091: PROCEED WITH LEGAL ACTION AGAINST 14 LAKEHILL ROAD**

A motion was made by Councilman Szczepaniak and seconded by Councilman Knight to authorize Town Attorney Brower to move forward and take legal action against 14 Lakehill Road and expend funds as necessary.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.  
Nays 0

Dan Russell, Chairman of the Parks and Recreation Committee, ask about the park funds that are received from subdivisions.

Town Attorney Brower replied that these funds are put in a dedicated trust fund to be used only for parks and recreation. These funds can be used for land procurement, maintenance, improvements and recreation fees.

Councilman Szczepaniak added that the Town needs to develop a formula for the distribution of funds to be fair and equitable to the bike path and parks and recreation projects. This needs to be addressed in a future agenda.

Councilwoman Hynes feels the Board needs to reconsider the way the fee is levied. The Board needs to assign a straight fee per lot. She would like this added to next month's agenda.

Mr. Jackson has a concern that a delay in the processing of the petition to the Department of Transportation to accept White's Beach Road as a Town Road may affect the Railroad's contribution of \$400,000 - \$500,000.

Mr. Miller suggested rolling the trail planning into Parks and Recreation plans and forecast out your income from subdivision and capital improvements to balance your funding of projects.

**RESOLUTION 12-92: EXECUTIVE SESSION**

A motion was made by Councilwoman Hynes and seconded by Councilman Szczepaniak for the Town Board to move into Executive Session to discuss personnel history concerning the bookkeeper position.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.  
Nays 0

**RESOLUTION 12-93: RETURN TO REGULAR SESSION**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to return to regular session.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Knight and Councilman Goslin.  
Nays 0

With no further business, a motion was made by Councilman Szczepaniak and seconded by Councilman Knight to adjourn the meeting at 9:55 p.m.

Respectfully submitted,

Town Clerk